



FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA

*A Historical Summary of the rights of the
Tsawwassen First Nation*



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**MINISTRY OF ENVIRONMENT, LANDS and PARKS
WATER MANAGEMENT BRANCH**

***FIRST NATIONS WATER RIGHTS IN
BRITISH COLUMBIA:***

***A Historical Summary of the rights of the
Tsawwassen First Nation***

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Gary Robinson
Project Manager
Water Management Branch

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TAB NO.

- | | | |
|---|---|--|
| 1 | TABLE: | Summary of Water Records for the Tsawwassen Indian Band. |
| 2 | CONDITIONAL WATER LICENCE 29709 AND PLAT. | |
| 3 | COPY OF THE DATA SUMMARY OF GROUNDWATER RECORDS IN THE TSAWWASSEN RESERVE AREA. | |
| 4 | MAP: Tsawwassen Reserve and area. | |

FIRST NATIONS WATER RIGHTS REPORT

BAND: Tsawwassen Indian Band
ADDRESS: 132 North Tsawwassen Dr, Delta BC, V4K 3N2
CHIEF: Sharon Bowcott
PHONE: 943-2112 **FAX:** 943-9226
AFFILIATION: Alliance Tribal Council

LOCATION

The Tsawwassen Indian Band occupy a 272.6 hectare reserve (Tsawwassen) located approximately eight kilometres south of Ladner in the Lower Mainland Region. The Strait of Georgia borders the western portion of the reserve, and the town of Tsawwassen is located south of the Reserve.

The most recent population figures compiled by the Ministry of Finance report that the Tsawwassen Indian Band has a population of 110 persons living on the reserve as registered members. It's total population, including registered and non-registered members, living on-reserve, on crown land, and off-reserve is 177.

Located within the Fraser Delta, the Tsawwassen Reserve sits at elevations ranging from sea level to 200 feet above mean seal level. The Reserve experiences a climate in which average daily temperatures range from a low of -5 degrees centigrade in January to between 16 and 20 degrees centigrade in July. Average annual rainfall for the area totals between 100 and 250 centimetres.

Water courses of significance include:

- Cliff Spring: located to the north of the reserve.

WATER ALLOCATIONS

The water rights of the Tsawwassen Indian Band have been determined by two actions of government over the years:

- 1) The granting of water licenses in response to Federal Government applications requesting authorization for the use of water on reserves.
- 2) Actions to amend licensed rights, pursuant to provisions in the *Water Act*.

HISTORY, CURRENT STATUS, AND POSSIBLE ISSUES

The history of water rights, the current status of rights and possible issues for the Tsawwassen Indian Band with respect to Cliff Spring are as follows:

Cliff Spring

History

March 1, 1965 The Comptroller of water Rights issued Conditional Water License 29709 to the Northwest Holding Society. The license was given a date of precedence of November 22, 1963, and authorized the diversion of 6,000 gallons of water from Cliff Spring for waterworks purposes year round. The appurtenant lands are specified as Lots 24 to 44 inclusive, of Lot 169, Group 2, New Westminster District, Indian Reserve Tsawwassen, Plan 23097.

Northwest Holdings Society had originally applied for the right to divert 10,000 gallons a day; however 6,000 gallons a day was authorized under Conditional Water License 29709 as this volume was determined to be sufficient for the proposed irrigation area.

March 13, 1968 The Comptroller of Water Rights recorded Conditional Water License 29709 as abandoned, in accordance with an abandonment notice submitted by the Northwest Holding Society. The Society indicated they were receiving their water supply from the Municipality of Delta and thus, no longer required the water from Cliff Spring.

The Tsawwassen Indian Band was not consulted with regard to the abandonment.

Current Status

Currently no active licenses exist for Cliff Spring.

Notes

1. The Tsawwassen Indian Band may object to the loss of licensed rights as a result of the abandonment of Conditional Water License 29709, by the Northwest Holding Society. There is no indication that the Tsawwassen Indian Band or the Department of Indian Affairs were notified or consulted regarding the abandonment of Conditional License 29709.

OTHER INFORMATION:

Alternate Water Sources:

i) Groundwater Records

A review of well records maintained by the MELP - Groundwater Section found that two wells have been reported on the Tsawwassen Indian Reserve. The amount of water these two wells yield, and the extent to which the wells are utilized is unknown. Further details are attached to this report.

As provision of well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

ii) Municipal Water Sources

The proximity of the Tsawwassen Indian Band to the Tsawwassen Waterworks District and the Greater Vancouver Water District presents the potential for water supply to the Reserves via connection to either municipal water system.

The Tsawwassen Waterworks District holds one license on Doyle Brook for waterworks purpose. Currently the District obtains all of its water for waterworks purpose from groundwater wells.

The Greater Vancouver Water District obtains its water for waterworks purpose from Capilano River, Coquitlam Lake and Seymour River. Reports on water consumption in 1994 indicate that the District experienced a peak daily demand of 376,280,000 imperial gallons, which is within their authorized daily allowance for waterworks purposes.

Water Protection Records

The Water Protection Section records indicate that a 2.5 kilometre sea dyke has been constructed on the Tsawwassen Reserve along the Strait of Georgia. The dyke is reportedly maintained by the Corporation of Delta.

ATTACHMENT 1

Summary of Water Records

Tsawwassen Band

Water Source	Priority Date	Reserve Name	File Number	Document Type	Status	Superseded By	Licence PUC/MOD & OIC Allotments	Comments
Cliff Spring	1963/11/22	Tsawwassen	0253737	CL 29709	Abandoned		6,000 CAD/Waterworks	CL 29709: Issued in name of lessee Northwest Holding Society - Abandonment: Band NOT notified; Registered as abandoned, March 1968, by lessee.
Georgia Strait	Unknown	Tsawwassen		Water Protection Records: Summary Sheet	Current			Water Protection Section. Summary Records: 2.5 km sea dyke located along Tsawwassen Reserve; Maintained by Corporation of Delta.

LEGEND:

Licence Types (Document Types)

CL: Conditional Licence

EL: Final Licence

Mechanisms for Allocation (Document Type)

OIC: Order-in-Council (as issued by the Lieutenant Governor in Council)

MOD: Minute of Decision (as recorded under the Indian Reserve Commission)

IRC: Indian Reserve Commission

AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units (Licence PUC/MOD & OIC Allotments)

GAD: Gallons a day

Δ^r: Acre feet

C: Cubic feet per second

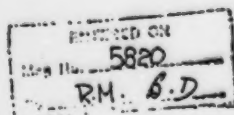
ATTACHMENT 2

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT
CONDITIONAL WATER LICENCE

Northwest Holding Society of 1205 Royal Bank Bldg.,
675 West Hastings Street,
Vancouver 2, B.C.

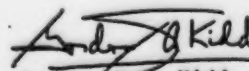
is/are hereby authorized to divert and use water as follows:—

- (a) The source(s) of the water-supply is/are **Cliff Spring.**
- (b) The point(s) of **diversion** is/are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is **22nd November, 1963.**
- (d) The purpose for which the water is to be used is **waterworks.**
- (e) The maximum quantity of water which may be **diverted is 6000 gallons a day,**
and such additional quantity
as the Engineer may from time to time determine should be allowed for losses.
- (f) The period of the year during which the water may be used is **the whole year.**
- (g) The land upon which the water is to be used and to which this licence is appurtenant is
**Lots 24 to 44 inclusive, of Lot 169, Group 2, New Westminster
District, Indian Reserve Tsawwassen, Plan 23097.**
- (h) The works authorized to be constructed are **interceptor ditches, settling tank,
storage tank and pipe,**
and they shall be located approximately as shown on the attached plan.
- (i) The construction of the said works **has been completed and the water shall be
beneficially used on or before the 31st day of December, 1967.**



ABANDONED

11/3/68


Gordon S.A. Kidd,
Comptroller of Water Rights.

FILE No. **0253737** Date issued: **1 March 1965**

CONDITIONAL LICENCE No. **29709**

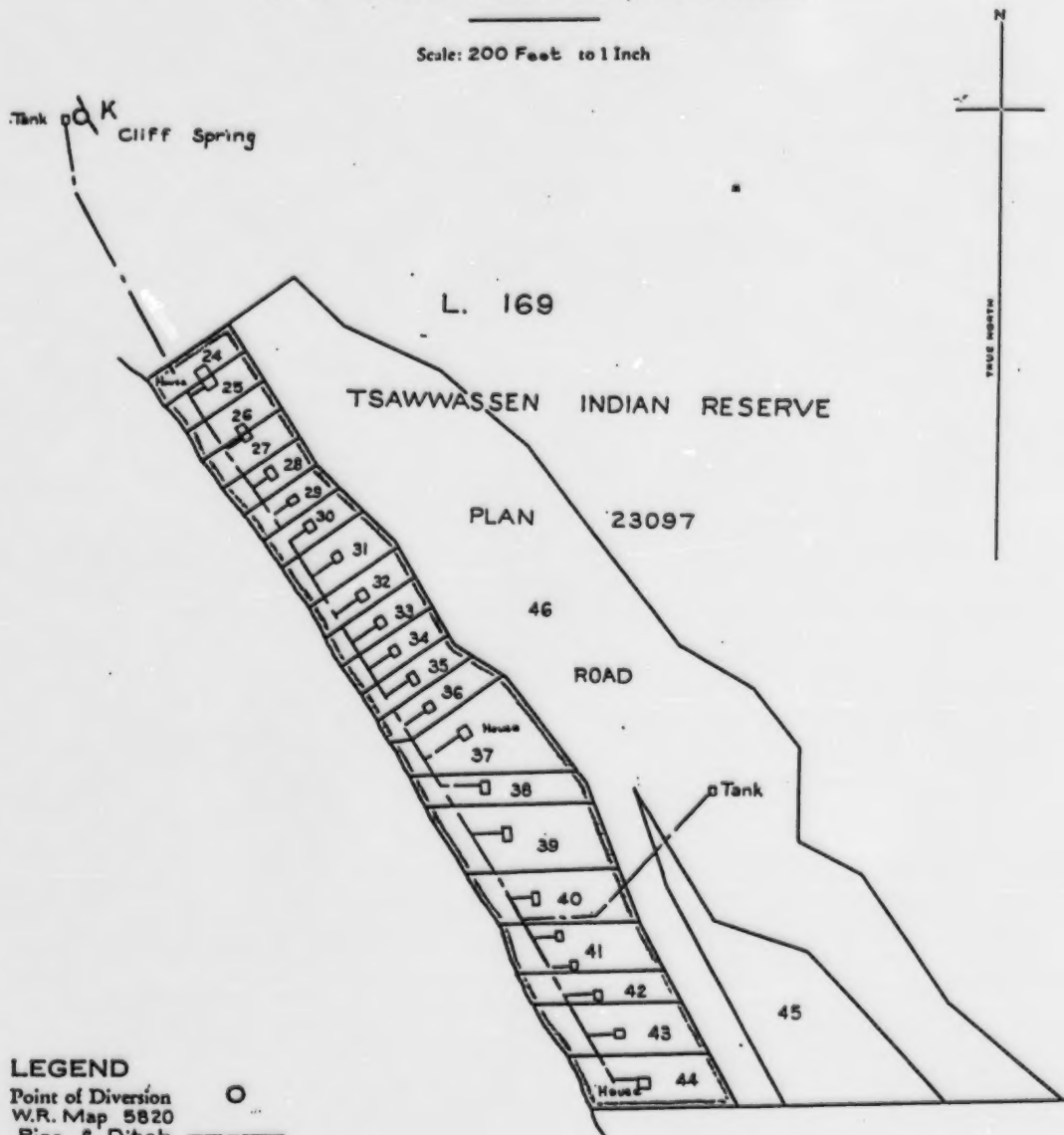
British



Columbia

NEW WESTMINSTER WATER DISTRICT
GP. 2 , NEW WESTMINSTER DISTRICT

Scale: 200 Feet to 1 Inch



LEGEND

Point of Diversion ○
W.R. Map 5820
Pipe & Ditch ———

The boundaries of the land to which this licence
is appurtenant are shown thus: ———

EXHIBIT "A"

Signature

Robert A. Kill

Date March 1 1965

CL 29709

File 0253737

ATTACHMENT 3

10/08/95

Ministry of Environment - Water Management Branch - Groundwater Section
Groundwater Database System
Data Summary - with Legal Descriptions and Old Coordinates

BCOS Map Area	Well No.	Well Tag No.	Lat. No.	Plan No.	Alt. No.	TP	EC	MD	D.L.	Z	X	Y	Old Well No.	L.D. Address	Date Constructed (day)	Well Depth (ft.)	Well Diam. (in.)	Drill No.	Const. Method	Well Yield (ft.)	Yield to Water Table (ft.)	Depth to Bedrock (ft.)	Depth to Litho (ft.)	Aggr. Interval (ft.)	G.W. Chem. Apt. Lab
0930 005.2.3.1 001	000000003337					5	10			00	00	00	022	37	01-01-1950	0.0	0.0	0.0	OTW						
0930 005.2.3.1 002	000000033373					5	9		169	00	00	00	001	37	01-10-1974	300.0	6.0	108	OTW						

DISCLAIMER: The Province disclaims all responsibility for the accuracy of this information. This information should not be used as a basis for making financial or any other commitments.

ATTACHMENT 4

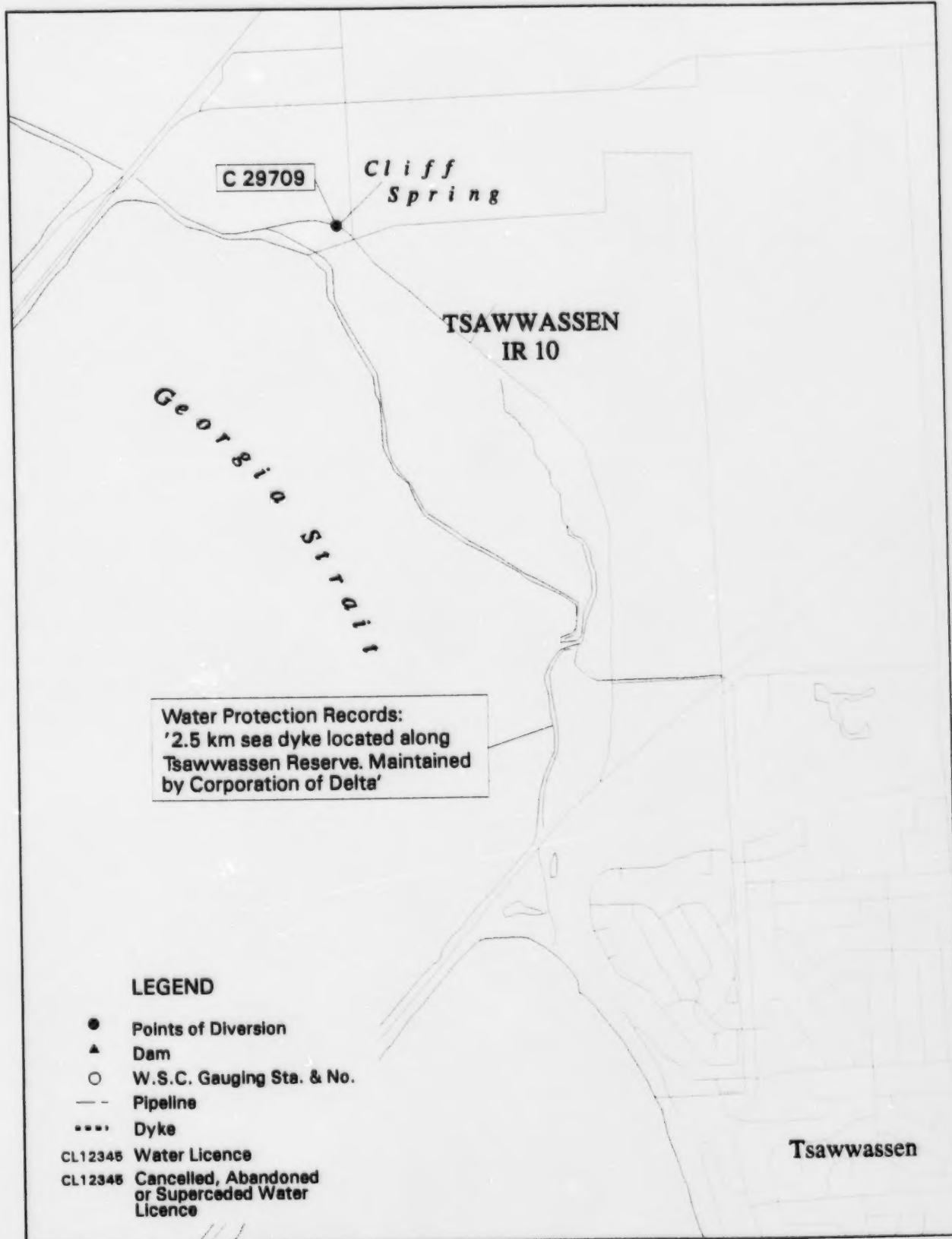
A	B	C	D	E	F	G	H	I	J	K	L	M	N
REF. NO.	RESERVE NAME & NO.	BAND NAME	WATER BODY	TYPE OF WORKS	LENGTH DYKE (KM)	LENGTH N.P. (KM)	CROWN YDTH. (M)	APPROX. WATER SLOPE	PROT'D. AREA (HA)	DATE LAST CONST'D.	CONST. FUNDED BY	INSP-ECTED BY	MAINTAINED BY
1	ASHWOLA 10	LOVER SIMILKANEEN	SIMILKANEEN R.	DYKE & B.P.	0.10	1.20	?	?	80	1986	AROSA	1. of D.	BAND
2	ATKUCKS 15	SQUANISH	SQUANISH R.	DYKE	0.80	N/A	3.0	2:1	19	1977	B.C./WUN.	1. of D.	SQUANISH DIST.
3	BARNSTON ISLAND 3	KATZIE	FRASER R.	DYKE	0.87	N/A	3.0	2:1	40.5	1950	FYDB	1. of D.	BRSH. I.O. DIST.
4	BELLA COOLA 1	BELLA COOLA	THORSEN CR.	DYKE	0.82	0.00	4.0	2:1	?	1988	BAND	?	BAND
5	BELLA COOLA 1	BELLA COOLA	TASTISQUAN CR.	DYKE & B.P.	0.15	0.10	?	?	?	1974	BAND	?	BAND
6	CAPE MUDGE	CAPE MUDGE	SEA	SEAVALL	N/A	?	N/A	?	?	?	?	?	BAND
7	CHAVATHIL	HOPE	FRASER R.	B.P.	N/A	0.50	N/A	?	?	?	CPR	?	CPR
8	CHEAN 1	CHEAN	FRASER R.	DYKE	0.82	0.76	3.0	2.5:1	55.8	1974	FRJP/CHN	1. of D.	CHILLIWACK DIST.
9	CHEALIS 5	CHEALIS	CHEALIS R.	DYKE	0.44	N/A	4.0	2:1	881	1990	BAND	?	BAND
10	COQUITLAN 2	COQUITLAN	COQUITLAN R.	DYKE	0.90	N/A	?	?	70	?	BAND	?	BAND
11	COVICHAN 1	COVICHAN	COVICHAN/KOKSILAN RS.	DYKE	5.74	N/A	3.0	2:1	950	1985	AROSA	1. of D.	BAND
12	DEADMAN'S CREEK	SKEETCHESTN	DEADMAN CR.	B.P.	N/A	?	N/A	?	800	1988	BAND	?	BAND
13	EAST SAARICH 2	TSANOUT	SEA	SEAVALL	N/A	0.40	N/A	1.5:1	?	1989	BAND	?	BAND
14	ENDERBY 2	ENDERBY	SHUSVAP R./FORTUNE CR.	DYKE	?	N/A	?	?	340	?	BAND	?	BAND
15	FORT RUPERT 1	KVAKTUL	SEA	SEAVALL	N/A	0.09	N/A	1.5:1	340	1974	BAND	?	BAND
16	GITANNAK 1	GITANNAK	SKEENA R.	CROYNE	N/A	?	N/A	N/A	?	?	?	?	BAND
17	GORDON RIVER 2	PACHEENANT	SAN JUAN R.	B.P.	N/A	0.50	N/A	2:1	?	1991	BAND	?	BAND
18	HALFWAY 183	HALFWAY	HALFWAY R.	B.P.	N/A	0.10	N/A	?	?	1991	BAND	?	BAND
19	KAMLOOPS	KAMLOOPS	SOUTH THOMPSON R.	DYKE	1.37	N/A	?	?	?	1972	B.C.-WYTS.	?	BAND
20	KATIT 1	OVEERAND	UNKNOWN	DYKE	?	N/A	?	?	?	1990	BAND	?	BAND
21	KATZIE 1	KATZIE	FRASER R.	DYKE	0.60	N/A	3.0	2.5:1	31.5	1984	FRJP	1. of D.	PITT M'DOWS DIST.
22	KIMCOLITH 14	KIMCOLITH	WASS R.	CAUSEWAY	N/A	0.20	4.0	1.5:1	?	1990	BAND	?	BAND
23	KITANAAT 2	KITANAAT	YATHL R.	DYKE	0.55	N/A	3.5	2:1	18	1988	BAND	?	BAND
24	KITWANGAR 1	KITWANGAR	SKEENA	B.P.	N/A	?	N/A	?	93	?	CHN	?	CHN
25	KITVILLUCHSILT 7	KITVILLUCHSILT	CHN. THPS	CHN. THPS	N/A	N/A	N/A	N/A	52	1987	BAND	?	BAND
26	KULKATU 4	HANTLEY BAY	SEA	SEAVALL	N/A	0.22	N/A	1.5:1	?	1977	BAND	?	BAND
27	LACHALZAP 9	LACHALZAP	GREENVILLE CR.	DYKE	1.40	N/A	4.0	1.5:1	800	1990	BND/BC	?	BAND
28	LAKANAHEN 11	LAKANAHEN	WICOMEN SLOUGH	DYKE	0.90	N/A	?	?	23	1989	FYDB	1. of D.	WICOMEN IS. DIST.
29	LOUIS CREEK 4	NORTH THOMPSON	N. THOMPSON/LOUIS CR.	B.P.	N/A	?	N/A	?	0.8	1984	BAND	?	BAND
30	MASSET 1	MASSET	SEA	SEAVALL	N/A	0.22	N/A	VERT.	?	1983	BAND	?	BAND
31	MATSOUI MAIN 2	MATSOUI	FRASER R.	DYKE	1.10	N/A	3.0	2.5:1	41.3	1974	FRJP	1. of D.	DIST. OF MATSOUI
32	MCKILLAN ISLAND 16	LANGLEY	FRASER R.	B.P.	N/A	0.18	N/A	?	181	?	BAND	?	BAND
33	MOUNT CURRIE 1, 8, 10	MOUNT CURRIE	BIRKENHEAD	DYKE	0.70	N/A	3.0	2:1	442	PRE-70	?	1. of D.	PENKERTON DIST.
34	MUSQUEAN 2	MUSQUEAN	SEA/W. ARN FRASER R.	DYKE & B.P.	0.55	0.40	?	?	27.3	?	BAND	?	BAND
35	NANAIHO RIVER 3	NANAIHO RIVER	NANAIHO R./SEA	DYKE	2.20	N/A	?	?	92	1934	BAND	?	BAND
36	NEQUATIQUE 1	ANDERSON LAKE	GATES R./ANDERSON L.	DYKE	?	N/A	?	?	?	1988	WYTS/BCR	?	?
37	NESUCH 3	MOUNT CURRIE	LILLOET R.	DYKE	0.20	N/A	3.0	2.5:1	295	1987	B.C./D.D.	1. of D.	PENKERTON DIST.
38	NORTH THOMPSON 1	NORTH THOMPSON	NORTH THOMPSON R.	B.P.	N/A	0.60	N/A	?	250	?	BAND	?	BAND
39	PAPERWATONIN 4	LAKANAHEN	FRASER R.	DYKE	0.88	N/A	3.0	2.5:1	18.4	1980	FRJP	1. of D.	WICOMEN IS. DIST.
40	PENTICTON	PENTICTON	OKAHAGAN R./SHINGLE CR.	DYKE	?	N/A	?	?	930	1953	B.C./CAN.	1. of D.	PROVINCE
41	PENTLEDGE 2	CONOX	PUNTLEDGE R.	B.P.	N/A	0.28	N/A	1.5:1	?	1972	BAND	?	BAND
42	PETERS 1	PETERS	FRASER	DYKE	0.25	N/A	?	?	125	1988	BAND	?	BAND
43	PETERS 2	PETERS	FRASER R.	B.P.	N/A	1.07	N/A	2:1	40	1988	BAND	?	BAND
44	PINCHIE 3	TL'AZT'EN NATION	STUART L./PINCHIE R.	B.P.	N/A	0.10	N/A	2.5:1	30	1988	BAND	?	BAND
45	PORT SIMPSON 1	LAX KW'ALAAND	SEA	CAUSEWAY	N/A	0.13	?	1:1	?	1990	BAND	?	BAND
46	QUAQUOT 1	LITTLE SHUSVAP	LITTLE R./ SHUSVAP L.	B.P.	N/A	0.13	N/A	?	?	1975	BAND	?	BAND
47	RUBY CREEK 2	SKAVANLOOK	RUBY CREEK	DYKE	?	N/A	?	?	1.2	?	BAND	?	BAND
48	SALMON RIVER 1	SPALLUNCHEEN	SALMON R.	B.P.	N/A	0.19	N/A	1.5:1	?	1984	BAND	?	BAND
49	SCOVITZ 1	SCOVITZ 1	FRASER R./HARRISON R.	DYKE	2.90	N/A	3.0	2.5:1	93	1972	FRJP	1. of D.	KENT DIST.
50	SEABIRD ISLAND	SEABIRD ISLAND	FRASER R.	B.P.	N/A	1.90	N/A	2:1	168	1976/82	FRJP/BAND	1. of D.	KENT DIST./BAND
51	SEATCHEN 18	SQUANISH	SQUANISH R.	DYKE	0.60	N/A	3.0	2.5:1	4	1987	B.C./WUN.	1. of D.	SQUANISH DIST.
52	SECHULT 2	SECHULT	SEA	B.P.	N/A	0.85	N/A	1.5:1	?	1984	BAND	?	BAND
53	SEYMOUR CREEK 2	SQUANISH	SEYMOUR CR.	B.P.	N/A	?	N/A	?	1	?	LESEE	?	?
54	SKAVALOOK 1	SKAVALOOK	FRASER R.	B.P.	N/A	0.12	N/A	?	?	?	?	?	BAND
55	SKVEANN 10	LAKANAHEN	WICOMEN SLOUGH	DYKE	2.10	N/A	3.0	2:1	23	1989	FYDB	1. of D.	WICOMEN IS. DIST.
56	SKENEOSKANWIN 1, 7, 9	LOVER SIMILKANEEN	SIMILKANEEN R.	DYKE & B.P.	7.50	1.50	3.0	2:1	1100	1986	AROSA	1. of D.	BAND
57	SKIDEGATE 1	SKIDEGATE	SEA	B.P.	N/A	0.10	N/A	?	?	1985	BAND	?	BAND
58	SKWALJASP 10	SKWALJ	FRASER R.	DYKE	1.20	N/A	3.0	2.5:1	489	1919	FYDB	1. of D.	WICOMEN IS. DIST.
59	SKWAL 3	SKWAL	FRASER R.	DYKE	2.50	N/A	3.0	2:1	4	1990	FYDB	1. of D.	CHILLIWACK DIST.
60	SEVAY 4, 5	SKWAL	FRASER R.	DYKE	?	N/A	?	?	?	1990	FYDB	1. of D.	?
61	SLOSH 1	SETON LAKE	SETON R./SETON L.	B.P.	N/A	0.08	N/A	1.5-2:1	?	1990	BAND	?	?
62	SOOYAHLE 14	SOOYAHLE	CHILLIWACK R.	DYKE	2.81	N/A	3.7	2:1	?	1990	BAND	?	BAND
63	SWITSEALPH 8	ADAMS LAKE	SHUSVAP L./STYPHON CR.	DYKE	?	N/A	?	?	?	?	LESEE	?	?
64	TSANVASSEN	TSANVASSEN	SEA	DYKE	2.50	N/A	3.0	2.5:1	273	1985	FRJP	1. of D.	CORP. OF DELTA
65	TSATAN 2	CHEAN	FRASER R.	DYKE & B.P.	2.80	0.76	3.0	2:1	97	1973	FRJP/BAND	1. of D.	KENT DIST./BAND
66	TSULQUATE 4	CWA-SALA-NAXVAX	SEA/TSULQUATE R.	B.P.	N/A	0.28	N/A	?	?	1971	BAND	?	BAND
67	WATVAKUN 14	SQUANISH	SQUANISH R.	DYKE	?	N/A	?	?	?	1977	B.C./WUN.	1. of D.	SQUANISH DIST.
68	WHISPERING PINES 1	WHISPERING PINES	NORTH THOMPSON R.	DYKE	?	N/A	?	?	?	PRE-72	PREV. OWNER	?	?
69	ZAITTSCHULLACK 9	LAKANAHEN	WICOMEN SLOUGH	DYKE	0.70	N/A	3.0	2:1	20	1989	FYDB	1. of D.	WICOMEN IS. DIST.

TOTALS 57.95 13.17

DYKE CATEGORIES:

A - 1:200 yr. Flood + 0.6 M Freeboard
 B - 1:200 yr. Flood, no Freeboard
 C - Less than 1:200 yr. Flood or unknown

* - See Column V COMMENTS



Tsawwassen

Scale 1:20,000